



Appeal Decision

Site visit made on 21 December 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2022

Appeal Ref: APP/W1850/W/21/3280604

4 Monks Meadow, Much Marcle HR8 2NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Hinton against the decision of Herefordshire Council.
 - The application Ref 202396, dated 23 July 2020, was refused by notice dated 15 February 2021.
 - The development proposed is the erection of one dormer bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

3. The main issues are:
 - Whether there is a proven local need for housing;
 - The effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Much Marcle Conservation Area (CA) and the effect of the proposal upon the setting of listed buildings; and
 - The effect on protected species.

Reasons

Need for housing

4. Policy RA1 of the Herefordshire Local Plan Core Strategy (2015) (CS) sets out that a minimum of 5,300 dwellings will be provided across the county's rural areas over the plan period. Policy RA2 identifies Much Marcle as a suitable settlement for new housing.
5. The Council contend that the proposed 5-bedroom house would not reflect local need. They state that the greatest need is for 2 and 3-bedroom houses as outlined in the Herefordshire Housing Market Area Needs Assessment (HMANA).

6. The HMANA provides an up-to-date analysis of housing needs in the Council's area and I recognise that the greatest need is for smaller units. However, it also indicates a need for larger units to meet local needs. Despite the Council's contention there is no evidence before me to indicate that the size of the proposed dwelling does not meet housing requirements outlined in the HMANA, which identifies a need for larger units across rural areas of the Ross-on-Wye Housing Market Area.
7. As such, the proposed development would reflect local housing need and would accord with Policies SS1, RA1, RA2 and H3 of the CS which, amongst other things, seek to ensure an appropriate mix and range of houses in rural settlements.
8. The Council has referred to Policies NE1 and H02 of the Much Marcle Neighbourhood Development Plan (NDP) in the first reason for refusal, however, I find that with specific regard to this matter I have given them negligible weight in coming to my decision.

Character and appearance including effect on heritage assets

9. The host property is a two storey detached dwelling located in a cul-de-sac, known as Monks Meadow, within the village of Much Marcle. The appeal site forms part of its rear garden. The layout of properties in Monks Meadow and the linear run of properties along the A449 combined with sizeable gardens behind dwellings results in a prevailing sense of spaciousness to the edge of the village.
10. Much of the village is a CA which is characterised by linear development sitting within a verdant agrarian landscape. The diversity of buildings with historic and townscape merit and the number of statutory listed buildings contribute to the significance of the CA.
11. Located on higher ground, to the east of the site, is statutory listed Hellens. Whilst it is now a commercial venture and hosts events it dates back to Norman times when Benedictine monks were given the land under a feudal tenancy to work where they built the property as their home. The monks also constructed statutory listed Church of St. Bartholomew on lower ground, with the two being connected by a tree lined pathway, known as Monks Walk. The area between Hellens and Monks Meadow is open verdant countryside and is considered to be a non-designated heritage asset in the form of an unregistered historic park and garden.
12. Based on the information before me, including my observations during the site visit, it is evident that there is a historic, physical and visual link between Hellens and the Church of St. Bartholomew. Whilst not a designated heritage asset Monks Walk has historic significance as the direct route between Hellens and the Church of St. Bartholomew that monks would have walked.
13. Monks Walk beyond Monks Meadow reveals a verdant and open landscape providing a spacious and tranquil setting to Hellens. The intervening landscape between the built form of the village and Hellens has an inherent value as an area of green and undeveloped land and forms part of the setting of the listed building. The open nature of the rear gardens of properties in Monks Meadow contribute to this setting and the character and appearance of the surrounding countryside.

14. Whilst the proposed dwelling would be subordinate to the host property the introduction of built form through a new dwelling and the urbanisation of the site would significantly erode the open nature of the site. The loss of this garden area would unacceptably diminish the contribution it makes to the character and appearance of the area.
15. The siting of the proposed dwelling would introduce substantial built form in the rear garden which would be incongruous with the established pattern of development in the area. It would diminish the otherwise sense of space to the rear of the host property and indeed to the rear of most other dwellings along the A449.
16. Notwithstanding the materials and landscaping proposed the development would be very apparent from the surrounding area and its position, scale and form would be an unduly prominent feature within the area. It would not, in my judgement, improve the baseline view of nearby properties or the surrounding landscape.
17. I acknowledge that the proposed development would not diminish key views and longer-range views of the site are relatively limited due to the presence of trees, yet I observed that the site is clearly visible from viewpoints along Monks Walk. Whilst reasonably localised, the proposal would unacceptably harm the character and appearance of the area.
18. Subsequently, I find that the proposed development would unacceptably diminish the site's contribution to the verdant and rural appearance of the area which would not preserve the character or the appearance of the CA. I turn now to the effects on nearby listed buildings.
19. I acknowledge the extent of the setting of a heritage asset is not fixed and may change and be experienced differently as the asset and its surroundings evolve. However, the proposed development would be very apparent and intrusive and would diminish the site's contribution to the collective setting and significance of Hellens and the Church of St. Bartholomew.
20. Whilst large events may well take place at Hellens there is nothing to suggest that they occur on a regular basis so as to permanently undermine its significance.
21. In addition to Hellens and the Church of St. Bartholomew the Council have identified a number of other listed buildings near to the site. These include Phillips House and Parting Ground Cottage.
22. The immediate setting of Parting Ground Cottage, a timber framed cottage, is already defined by modern development and is visually and physically separated from the site. Phillips House, an imposing red brick former vicarage, whilst closer to the appeal site is largely insular with its setting defined by its own grounds. As such, I am satisfied that the proposed development would not undermine the contribution these heritage assets make to the character and appearance of the area.
23. In light of the above, and despite the contents of the appellant's Heritage Impact Statement, I find that there would be some harm to the CA and the setting of nearby designated assets. In accordance with paragraph 202 of the Framework, it is for the decision maker, having identified harm to designated assets, to consider the scale of that harm. In this case, I conclude that the

proposal would lead to less than substantial harm to the significance of the CA and the setting of nearby designated assets. This harm should be weighed against the public benefits of the proposal including, where, appropriate, securing its optimum viable use, which I now turn to.

24. In this regard, the proposal would make a small contribution towards the supply of housing. It would provide short-term employment during construction of the house and is in a location that is within a reasonable distance of a range of day-to-day services and future occupiers would help to maintain or enhance the vitality of services and facilities. However, these benefits would be modest and I therefore afford them limited weight. Taking into consideration the points above I find that the harm to the CA and the setting of nearby listed buildings would clearly outweigh the public benefits of the proposal.
25. As such it would fail to preserve or enhance the character or appearance of the CA and the significance of designated heritage assets contrary to CS Policies SS1, SS6, RA2, LD1 and LD4 which, amongst other things, seek development proposals to conserve and enhance those environmental assets that contribute towards the county's distinctiveness including landscape and heritage assets; a design and layout that reflects the size, role and function of each settlement; high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; conserve and enhance the natural, historic and scenic beauty of important landscape and features and protect, conserve and where possible enhance heritage assets and their setting in a manner appropriate to their significance.
26. It would also be contrary to Policy H01 of the NDP which, amongst other things, supports good quality market and self-build housing that respects local character.

Protected species

27. The appellant's Ecological Assessment sets out that whilst there are records of bats within the area the site offers very little potential for bats including for foraging. It also asserts that it is unlikely to form part of a key commuting route. The appellant has outlined a range of measures to address potential light spill from the development including retention and enhancement of planting, hooded external lighting and the use of warm coloured temperature lighting. The appellant has suggested some of these matters could be agreed through pre-commencement conditions.
28. Notwithstanding the submission of the Ecological Assessment the Council advise that it does not consider the potential for bats along Monks Walk and the immediate area. They also consider that the appellant has not provided any substantive evidence to demonstrate that any additional light, resulting from the development, would not adversely affect bats in the area.
29. I note the presence of dwellings along Monks Walk and the existing potential for light spill. However, the potential for bats in the area carries statutory duties and is a matter of considerable weight particularly given its immediate setting. There is a degree of uncertainty relating to the assessment and in the absence of sufficient information I am not satisfied that this matter has been investigated to demonstrate that there would be no harm to protected species.

30. Circular 06/2005: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system, states it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. In this case I see no reason to depart from the guidance set out in the circular and the advice of the Council’s Ecologist.
31. Therefore, the proposal would be contrary to CS Policy LD2 and NDP Policy NE2 which, amongst other things, require development proposals to conserve, restore and enhance biodiversity assets through the retention and protection of nature conservation sites and habitats and important species and to minimise impacts on biodiversity and provide net gains where possible.

Other Matters

32. I acknowledge that the development would deliver a self-build property and whilst the CS does not include specific policies relating to self-build it does not appear that it prevents opportunities for such development from taking place in the county. Nor is there any credible evidence to indicate that the Council are failing in their self-build and custom housebuilding duties.
33. The appellant contends that based on information from the National Custom and Self Build Association there is a greater demand for serviced plots above the figure set out in the HMANA. However, the HMANA provides an up to date and robust analysis of housing needs in the Council area and I attach significant weight to its findings. The appellant’s contention is not so compelling so as to lead me to depart from the HMANA findings in relation to self-build and custom house building. In this particular regard I find that the benefits of a self-build property would not outweigh the harm that I have identified.
34. The River Wye Special Area of Conservation may well limit development in the county. Despite the appellants contention there is nothing to suggest that the Council’s housing land supply does not already have regard to this or that the timescales identified to resolve phosphate issues are unrealistic.
35. I note the appellant’s comments in respect of housing delivery. Whilst the NDP allocates a small number of sites for housing it does not preclude windfall development from taking place. There is no credible evidence before me to suggest the NDP is stifling development. As such, I give this limited weight in coming to my decision.
36. I acknowledge that the site is located within the settlement boundary of Much Marcle. However, as the site is a residential garden it does not fall within the definition of previously developed land as outlined in the Glossary of the Framework.
37. The appellant has made reference to other developments in the area. However, every application and appeal must be considered on its own merits, as I have done. The examples provided do not justify a proposal that I have found to be harmful.
38. Whilst the appellant carried out pre-application discussions with Historic England these are essentially informal discussions and do not pre-determine the final outcome of an application or appeal.

Planning Balance

39. I acknowledge at the time the application was determined the Council was unable to demonstrate a deliverable five year supply of housing land. That situation has changed upon publication of the Council's Annual Position Statement. Despite this the appellant disputes whether the Council can demonstrate a deliverable five year supply of housing land. From the evidence before me and without any credible evidence to refute the Council's position there is a strong indication that a deliverable five year supply of housing land exists in the area.
40. I have concluded that the proposal would not preserve or enhance the character and appearance of the CA and the significance of nearby heritage assets and so paragraph 11d) i is engaged. Consequently, I consider that the application of policies in the Framework, that protect areas or assets of particular importance provide a clear reason for refusing the appeal proposal. The presumption in favour of sustainable development would not apply in any event.
41. Whilst the presumption in favour of sustainable development does not apply for the reasons set out above, even if it did, the harm of granting planning permission in respect of character and appearance including the effect upon the significance of heritage assets and protected species would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The conflict with the development plan is not outweighed by other considerations.

Conclusion

42. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR